Legislative Assembly of Prince Edward Island

2nd Annual Report

December 1, 2002 to December 31, 2003

106-00954/

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March 24, 2004

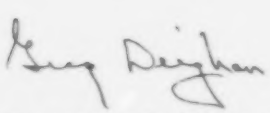
To Members of the Legislative Assembly
of
Prince Edward Island

I am pleased to hereby submit the 2nd Annual Report of the Legislative Assembly of Prince Edward Island and the PEI Branch of the Commonwealth Parliamentary Association for the period ending December 31, 2003.

I have had the distinct honour of serving as your Speaker since November 12, 2003. In this capacity, I also serve as the President of the PEI Branch of the Commonwealth Parliamentary Association. While my time in the Office of Speaker has been short, my term as Deputy Speaker (from 1996 to 2000) accorded me an opportunity to better understand our system of parliamentary democracy and how it is practised on Prince Edward Island, throughout Canada and in other countries of the Commonwealth.

In keeping with the tradition established by my predecessor, the Hon. Mildred Dover (Speaker of the Legislative Assembly from 2000 to 2003), it is my hope that this 2nd Annual Report will assist in promoting an understanding of the Legislative Assembly and the important work that is conducted here.

Respectfully,



Hon. Greg Deighan, MLA
Speaker of the Legislative Assembly

March 17, 2004

Honourable Gregory J. Deighan, MLA
Speaker of the Legislative Assembly
Province House
Charlottetown

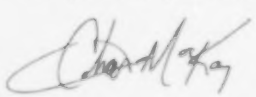
Dear Mr. Speaker,

I have the honour to present to you the 2nd Annual Report of the Legislative Assembly of Prince Edward Island and the Prince Edward Island Branch of the Commonwealth Parliamentary Association. This report will highlight the various activities of the Office of the Clerk and Office of the Legislative Assembly throughout the year and for the period December 1, 2002 to December 31, 2003.

Throughout 2003, the staff of the Office of the Clerk and the Office of the Legislative Assembly continued to demonstrate a high level of commitment and professionalism in supporting the work of all members. In providing this support to the House, Assembly staff often work quietly "behind the scenes" in delivering highly specialized services to assist members in the performance of their respective responsibilities and to ensure the efficient functioning of the House and its committees.

As the work of the Assembly continues to become more specialized, I am pleased to report that staff have continued to rise to the demands of ever-increasing challenges. As always, it has been a pleasure to work with such qualified, professional and dedicated staff. It is they who should be congratulated for many of the new initiatives and innovations that will be detailed in this report.

Respectfully submitted,



Charles H. MacKay
Clerk of the Legislative Assembly
and
Secretary, PEI Branch, Commonwealth Parliamentary Association

2nd Annual Report
of the
Office of the Clerk, Office of the Legislative Assembly
PEI Branch of the Commonwealth Parliamentary Association
(December 1, 2002 to December 31, 2003)

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Foreword

Hon. Gregory Deighan, MLA
Speaker of the Legislative Assembly

By way of background, the Speaker of the Legislative Assembly is an elected Member of the Legislative Assembly. Any elected member who is not the leader of a political party in the House or a Cabinet Minister is eligible to allow his or her name to stand for secret ballot election as Speaker. This procedure usually takes place at the beginning of every new General Assembly or when a vacancy in the Office of Speaker occurs. The Speaker, once elected by secret ballot, has received the confidence of Members of the Legislative Assembly and must then preside over the debates and make sure the House follows established rules of procedure and behaviour. The Speaker must conduct his or her business in an impartial and politically neutral manner to ensure that the confidence of the House is maintained. One of the Speaker's first duties is to claim, on behalf of all members, the "ancient and accustomed parliamentary rights and privileges," the most important of which is freedom of speech in debate. It then becomes the Speaker's heavy responsibility to uphold the individual and collective privileges of all members of the House regardless of political affiliation.

The Office of Speaker has a long and colourful history. An appreciation of the historic role of Speaker helps one to understand the modern role of Speaker. In the book *The Office of Speaker in the Parliaments of the Commonwealth*, Philip Laundy states:

> "The Office of Speaker is almost as old as Parliament itself. The first Speaker to be so designated was appointed in 1377...the principal function of early Speakers was to communicate the resolutions of the Commons to the King..., and it may be presumed that some kind of intermediary between Parliament and the King came into existence when the English Parliament first assumed its rudimentary form."

On Prince Edward Island, the Speaker's role is ever-changing; however, there are some fundamental responsibilities of the office that absolutely must be continued. First and foremost, and as stated above, the Speaker must conduct the business of the office in a non-partisan manner and is responsible for ensuring that all MLAs are treated fairly and impartially. Balancing the right of the majority to conduct business with the right of the minority to be heard is one of the Speaker's most difficult tasks. Given the often adversarial nature of parliamentary business on the floor of the House – with a majority Government and a minority Opposition – the role of the Speaker is often referred to as being similar to that of a referee!

Further, the Speaker serves as Chair of the Standing Committee on Legislative Management (see page 10), as Chair of the Standing Committee on Legislative Audit and as President of the Prince Edward Island Branch of the Commonwealth Parliamentary Association (CPA). As such, the Speaker represents the Legislative Assembly at regional, national and international meetings of CPA. The Speaker is also responsible for the operation of the various activities of the Legislative Assembly when the House is not in session such as the provision of security and the co-management of Province House with Parks Canada.

Office of the Clerk
and
Office of the Legislative Assembly

Charles MacKay
Clerk of the Legislative Assembly

While the role of the Speaker and Clerk of the Assembly are steeped in parliamentary tradition, the Office of the Legislative Assembly is a relatively new statutory creation on Prince Edward Island. Established in 1996 via amendment to the *Legislative Assembly Act, R.S.P.E.I. 1988, Cap L-7.*

Since the House of Assembly first met in 1773, the expectations on the Legislative Assembly have, naturally, changed in a significant way. It follows then that the role and expectations on the Speaker of the Legislative Assembly and the Clerk, as servants of the House, have also continued to change and evolve. Even the method of selecting the Speaker and the Clerk have changed to more effectively illustrate the independence of the Assembly from the Executive. On January 3, 1997, the first sitting day after the 1996 General Election, the Speaker was elected by "secret ballot" for the first time in Island history. Previous to this change in the method of electing the Speaker, it had been done by motion put by the Honourable Premier to the House. Also beginning after the 1996 General Election, and via amendment to the *Legislative Assembly Act*, the Clerk and Clerk Assistant of the Legislative Assembly are to be appointed by the Assembly on the recommendation of the Standing Committee on Legislative Management. Both these changes are significant in that they accord an opportunity for all members of the House, regardless of whether they are members of government, private members or members of opposition parties, the formal opportunity to express confidence, or otherwise, in the Speaker and Clerks of the House.

Statement of Goals

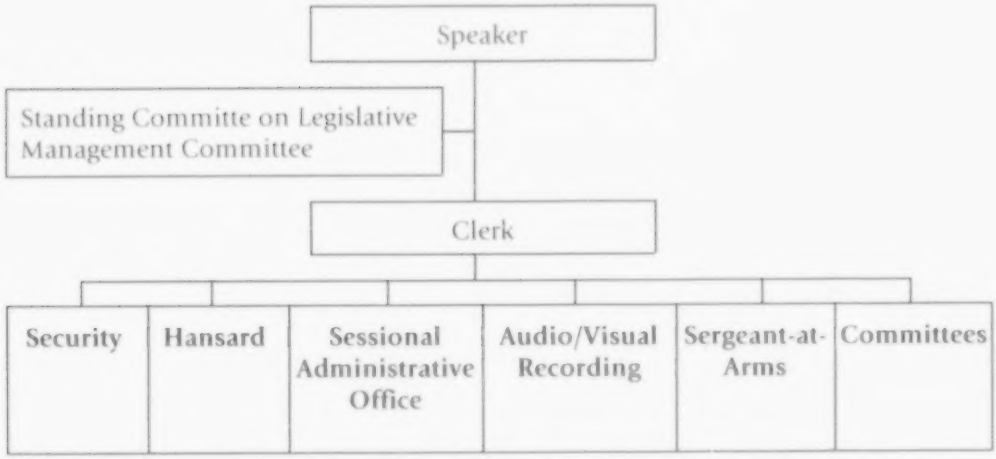
In practical terms, the Speaker of the Legislative Assembly is the head of the Office; the Clerk is the chief permanent officer of the House responsible for ensuring, among other things, that the expressed will of the Speaker and the Standing Committee on Legislative Management are implemented, that the support services for members operate in a smooth and efficient manner, that the records of the House are maintained, and that the Speaker and members of the House are provided with independent procedural, operational, and administrative advice on the proceedings of the House.

One widely held misconception is that the Office of the Legislative Assembly is a branch of government and that its employees are government employees. Such is not the case. In the Westminster Model of parliamentary democracy (to which PEI and all other Canadian jurisdictions adhere), the "government" is the Executive Branch (responsible for applying and enforcing laws and for the administration of Government), the Legislative Branch is responsible for establishing these laws, for the granting of supply (or money) to Government so that the Executive may carry on its programs and policies, and is a forum in which Government is held publicly accountable for the decisions it takes. Further, the Office of the Legislative Assembly provides various types of support to the entire Assembly, including services to private members and members of opposition parties alike.

The Office of the Legislative Assembly then has two main roles. The first is to support the Speaker and members in the administration and provision of services to MLAs so that they can perform their legislative responsibilities as effectively as possible. Further, the Office administers the payroll and benefits programs for all members and staff of the Legislative Assembly, produces certain House documents, and maintains the official record of the House.

Below is an unofficial organizational chart to help illustrate the present structure of the Office of the Legislative Assembly:

Office of the Legislative Assembly



Report on Activities

Since the submission of the last report to the House, the Office of the Clerk have experienced another busy year. Since 1997, there has been two distinct sittings of the Legislative Assembly in each calendar year, resulting in increased House activity. Below is a comparison of sitting days over the past 10 years;

Year	General Assembly/ Session	Number of Sitting Days
2002/2003*	4th Session/61st General Assembly and 1st Session/62nd General Assembly (to date)	63
2001/2002)	3rd Session/61st General Assembly	45
2000/ 2001*	2nd Session/61st General Assembly	40
1999/2000	3rd Session/60th General Assembly and 1st Session/ 61st General Assembly	40
1998/1999	2nd Session/60th General Assembly	59
1997/1998	1st Session/60th General Assembly	111
1996*	4th Session/59th General Assembly	30
1995	3rd Session/59th General Assembly	24
1994	2nd Session/59th General Assembly	34
1993*	1st Session/59th General Assembly	18
1992	4th Session/58th General Assembly	28
1991	3rd Session/58th General Assembly	28

**Denotes a General Election year.*

The 4th Session of the 61st General Assembly commenced on November 14, 2002, with the reading of the Speech from the Throne by the Honourable J. Léonce Bernard, Lieutenant Governor. As indicated, the session lasted 45 sitting days with the fall sitting concluding on December 18, 2002, resuming on April 8, 2003 and adjourning on May 23, 2003. The Legislative Assembly was then dissolved by His Honour the Lieutenant Governor on September 2, 2003 with the General Election taking place on September 29, 2003. The 1st Session of the 62nd General Assembly commenced on November 12, 2003, with the reading of the Speech from the Throne. The fall session then adjourned to the call of the Speaker on December 16, 2003, after 18 sitting days.

During the 4th Session of the 61st General Assembly, 32 Notices of Motion were filed at the Table; 24 of which were Private Members' Motions and eight of which were Government Motions.

- 46 Government Bills were introduced with all receiving Royal Assent;
- two Private Members Bills were introduced, both of which received Royal Assent;
- 612 Written Questions were tabled;.
- The Estimates of Revenue and Expenditure were Tabled and a Budget of $1,000,986,400 was considered and approved by the House.

To date during the 1st Session of the 62nd General Assembly there have been 26 Government Bills, one Private Members Bill and no Private Bills introduced. In addition, there have been 24 written Notices of Motion filed (12 Government Motions and 12 Motions other than Government) and no written questions filed.

Administration

Over the past number of years, the Office of the Legislative Assembly, from an administrative standpoint, has experienced a significant increase in responsibilities.

A verbatim transcript of House proceedings (Hansard) was established in 1996 requiring the creation of a sessional Hansard Office (see Hansard Office Report – page 22). Audio proceedings of the House were broadcast live on the Internet (commencing in 1996) and visual camera coverage of proceedings of the House commenced in the fall of 1997. The last Legislative Assembly Annual Report to the House advised that a project was underway to convert the analog video tape recordings of the sessions since 1997 to digital recordings. In addition, work has now been completed on moving the camera recording system from its present temporary location on the 3rd Floor, Province House Press Room, to another location on the 3rd floor allowing the Media Room to be updated and rewired to more effectively meet media requirements.

Further to these initiatives, I am pleased to advise that the new digital audio recording systems for the House and for committees have now been installed and, after some initial difficulties, are working well. The video recording system has been moved to a permanent location on the 3rd floor, Province House and most analog video recordings have been converted to digital format.

Security measures have been increased greatly, and are continually reviewed (see Security Officer Report, Page 21). As a direct result of the bombing of Province House in April 1995, the position of Security Officer was created. With ongoing world events, security continues to be a priority to ensure that legislators, general public and staff at Province House can go about their business in a safe and accessible environment.

In addition to the foregoing, the Office of the Legislative Assembly also handles human resource requirements for the various operations of the House. These include the Legislative Assembly Office, Sessional Offices, Opposition Members and Government Members Offices, Conflict of Interest Commissioner, Elections PEI and the Office of the Information and Privacy Commissioner. In addition, pursuant to the Rules of the Legislative Assembly, the Office is also responsible for the production of the Daily Journal of the Legislative Assembly (and subsequent binding, indexing and publishing of the annual volume), production of the Orders of the Day and maintenance of the official records of the Legislative Assembly. The Clerks are also responsible for providing procedural and support services to the Speaker, committee chairs and members; public education and information services to members, government and the private sector; administrative support to the Assembly, and provision of financial resource management.

The Office of the Legislative Assembly is also involved in coordinating and supporting such initiatives as the Prince Edward Island Page Programme, the Rotary Youth Parliament, co-management of Province House (in cooperation with Parks Canada), ensuring adequate staffing and training for sessional and other operations of the House, administrative support for the Conflict of Interest Commissioner and the Indemnities and Allowances Commission and various other special initiatives, programs and reviews as undertaken from time to time. Also, with 2003 being a General Election year, orientation sessions were offered to newly elected Members.

In conclusion, the Office would be remiss if it did not sincerely thank all of those in the Government Service who provide assistance and support to the Legislative Assembly. Without the competent and professional assistance of these dedicated public servants, the Office of the Assembly would not be in a position to deliver services to the members and public at present levels. Specifically, special thanks are extended to Multimedia Services (Provincial Treasury), Fiscal Management (Provincial Treasury), Queen's Printer (Provincial Treasury), Financial Information System Support, Information Technology Management Group, Department of Transportation and Public Works, Provincial Archives (Department of Community and Cultural Affairs) and Federal Parks Canada.

Standing Committee on Legislative Management Committee

The Standing Committee on Legislative Management, pursuant to the Rules of the Legislative Assembly, shall be comprised of the Speaker (as Chair), the Leader of the Official Opposition (or designate), Leader of the Third Party (or designate), Government House Leader (or designate), Government Caucus Chair (or designate), Opposition Caucus Chair (or designate) and the Deputy Speaker.

The Committee is charged with matters as follows:

(a) policies for the administration of the Legislative Assembly,

(b) the provision of security, facilities, and services, including allocation to party caucuses and individual members,

(c) the appointment, supervision, and management of the staff of the Legislative Assembly, other than the staff of party caucus offices and the Office of the Leader of the Opposition;

(d) review of estimates of expenditure for the Legislative Assembly, including the forecasts and analysis of expenditures and financial commitments of the Assembly; and

(e) other matters necessary for the efficient and effective operation and management of the Legislative Assembly.

During 2003, the Committee was active in dealing with such matters as staffing changes resulting from resignations, budget for the Legislative Assembly, support levels provided to the Opposition and Government Members offices and many other administrative matters, issues and initiatives respecting the operation of the Legislative Assembly.

Reports From House Services
Clerk of Committees

Committee Activity
Annual Report (December 2002 to December 2003)

Role of Committees
Parliamentarians realized very early the need to entrust some of their work to groups, or committees, made up of their own members. Legislative committees have existed in Prince Edward Island since the very first meetings of the Legislative Assembly.

Committees are able to carry out work that the Legislative Assembly as a whole would find difficult to undertake. They provide an important means for members to carry out detailed investigations before the Assembly must come to a decision. Committees can consult the public and collect the views of individuals, and community, professional, business, academic and other groups. In a sense, committees take parliament to the people and allow direct contact between members of the public and a group of members of the Legislative Assembly.

In addition, committees are a way to hold the government accountable to the people of the province. They can investigate questions of government administration and service delivery. Committees may call the government or the public service to appear before them to answer questions and account for their actions or explain administrative decisions.

Committees give individual members of the Legislative Assembly an opportunity to contribute their experience and expertise in a parliamentary forum outside of the chamber, thereby broadening their role. Finally, by simply undertaking an inquiry, a committee may promote public debate on the subject at issue.

Types of Committees
The rules of the Legislative Assembly of Prince Edward Island provide for three types of committees: standing committees, special committees, and committees of the whole house.

Standing Committees
The rules state that the standing committees shall be:

(1) Standing Committee on Privileges, Rules and Private Bills with said Committee charged with matters concerning the Rules and Privileges of the Legislative Assembly, Private Bills, and matters concerning the *Conflict of Interest Act* (Section 17) and empowered to sit when the House is not in session.

(2) Standing Committee on Public Accounts with said Committee charged with matters concerning the Public Accounts of the Province and the annual report of the Auditor General.

(3) Standing Committee on Agriculture, Forestry and Environment with said Committee charged with matters concerning agriculture, forestry and the environment.

(4) Standing Committee on Community Affairs and Economic Development with said Committee charged with matters concerning community, cultural and economic affairs, labour and justice.

(5) Standing Committee on Social Development with said Committee charged with matters concerning education, health and social development. This committee is charged with recommending appointments to the Prince Edward Island Human Rights Commission.

(6) Standing Committee on Fisheries, Intergovernmental Affairs and Transportation with said Committee charged with matters concerning fisheries, intergovernmental affairs and transportation.

(7) Standing Committee on the Constitution of Canada with said Committee charged with matters concerning the Constitution of Canada.

At the beginning of each session, the membership on the standing committees is established by adoption by the Legislative Assembly of the report of the Committee on Committees which recommends a list of members to serve on the various committees.

In preparing the report, the Committee on Committees is guided by the rules, which state:

- membership is allocated by the Committee on Committees in generally the same proportion as that of the recognized political parties in the House;
- membership on a standing committee shall not exceed 10 members;
- ministers may not be appointed to the Standing Committee on Public Accounts.

Each committee has its own defined area of operation. The general areas of inquiry for the standing committees are provided for in the rules of the Legislative Assembly. In addition, committees are severally empowered to examine and inquire into all such matters and things as may be referred to them by the House; that is, by way of a formal motion specifying the matters to be investigated by the committee. Finally, committees, by majority decision of their membership, may meet to examine and inquire into such matters and things as the committee deems appropriate.

Special Committee:
Special Committees are *ad hoc* committees and are charged with investigating a single matter only. Each such committee is established by motion specifying its purpose and powers, the number of members and the date on which it is to report back to the House. Once the report of a special committee has been adopted by the Legislative Assembly, the committee disbands. An example of a special committee is the Committee on Committees, which is appointed at the beginning of each session to nominate members to serve on the various standing committees.

Committee of the Whole House
This is the Legislative Assembly in a less formal guise. The House resolves itself into Committee of the Whole (membership composed of all members of the House) for the purpose of considering each clause of a bill; and to examine in detail the estimates and supplementary estimates. It meets in the chamber only.

Powers of Committees
Legislative committees are extensions of the House. They derive their power and authority from the House itself. Committees are empowered to send for persons, papers and records. The committee has the power to examine witnesses and obtain expert advice. Committee members have the power to select their chairman, construct an organizational workplan and to meet outside the precincts of parliament. Committees are masters of their own procedure, and are charged with solving their own procedural difficulties.

Committees do not have the power to punish committee members or witnesses. The Committee may only report offenses to the House. With the exception of the Standing Committee on Privileges, Rules and Private Bills, committees must have the permission of the House to sit when the House is not in session.

Reports
Committees report their observations and opinions to the House from time to time their observations and opinions. These reports make recommendations which are not binding on the Legislative Assembly, but may be implemented by the government as it sees fit. No minority reports may be presented, but at the committee's discretion, dissenting opinions may form part of its report.

Conduct in Committee
Proceedings in committee can be more informal and collegial than in the House itself.

Committees follow the standing orders, except in seconding motions and limiting the number of times of speaking. In Committee of the Whole, members do not stand to address the chairman, and may speak from a seat

other than their own. Ministers, with the consent of the House, are given the flexibility to bring their departmental officials into the chamber to help answer members' questions.

Members who are not on a given committee may attend its meetings and participate in its deliberations but may not vote, move motions or be part of a quorum. There is an exception to this rule; ministers of the crown may not attend meetings of the Standing Committee on Public Accounts except as invited witnesses before the committee.

Committee meetings are public except meetings convened to draft a report or unless a motion is moved and carried to meet *in camera*. Members of the public and media representatives often attend the public meetings. The proceedings of the meeting are recorded and transcribed, unless the committee agrees unanimously not to have this occur.

Transcripts of public meetings are available to the public, upon request. Starting with this session, the transcripts of public meetings will be posted on the Legislative Assembly Web site, and will be available in electronic format, worldwide.

Roles of the Chairman, Committee Members and Clerk

The role of the chairman is to preserve order and decorum in committee meetings. The chairman has only a casting or deciding vote (except in the Standing Committee on Privileges, Rules and Private Bills when considering a private bill). The chairman decides all questions of order (makes procedural rulings) subject to an appeal to the committee. The chairman calls the meetings, ensuring the work of the committee proceeds according to its organizational plan, and signs the committee's reports.

The role of the committee member is to attend meetings, participate in debate, and to vote on questions before the committee.

The Clerk of Committees presides over the election of the chairman, records the decisions of the Committee, advises the chairman and members on procedure, handles all administrative matters, such as coordinating arrangements for public hearings and scheduling witnesses, and assists in the drafting of the committee's reports, if required.

Summary of Activity During the Session

In total, 39 meetings were held during the course of the session to undertake the work mandated to the various committees. The most active committees were the Standing Committee on Social Development and the Standing Committee on Community Affairs and Economic Development, with a total of 14 and nine meetings, respectively. The following chart presents a breakdown of the various committees and the number of meetings held.

Summary of Committee Activity 4th Session of the 61st General Assembly				
Committee Name	**Chairman**	**Committee Members**	**Number of Meetings**	**Number of Reports**
Standing Committee on Privileges, Rules and Private Bills	Helen MacDonald	Hon. Jamie Ballem Hon. Elmer MacFadyen Hon. Ron MacKinley	2	3
Standing Committee on Public Accounts	Hon. Ron MacKinley	Jim Bagnall Philip Brown Cletus Dunn Kevin MacAdam Eva Rodgerson	7	2
Standing Committee on Agriculture, Forestry and Environment	Norman MacPhee	Philip Brown Hon. Michael Currie Cletus Dunn Eric Hammill Wilbur MacDonald Hon. Ron MacKinley	5	2
Standing Committee on Community Affairs and Economic Development	Beth MacKenzie	Wilfred Arsenault Hon. Chester Gillan Kevin MacAdam Hon. Ron MacKinley Hon. Mitch Murphy	9	1
Standing Committee on Social Development	Bobby MacMillan	Hob. Greg Deighan Beth MacKenzie Hon. Ron MacKinley Don MacKinnon Hon. Pat Mella	14	3
Standing Committee on Fisheries, Intergovernmental Affairs and Transportation	Wes MacAleer	Hon. Jeff Lantz Hon. Ron MacKinley Bobby MacMillan Hon. Gail Shea	1	0
Standing Committee on the Constitution of Canada	Hon. Pat Binns	Beth MacKenzie Hon. Ron MacKinley Hon. Pat Mella Hon. Mitch Murphy	1	0

Highlights of Standing Committee Activity

The Standing Committee on Agriculture, Forestry and Environment was charged in April 2001 with the responsibility of conducting a full and complete examination of the events leading up to, and subsequent to, the discovery of potato wart fungus in the province in October 2000. As part of its investigations, the committee invited two representatives from the federally mandated Canadian Food Inspection Agency (CFIA) to appear before it on three separate occasions in late 2001. All invitations were declined, and the committee took the unusual step of issuing warrants to compel their attendance. The Federal Government made judicial application to have the subpoenas stayed.

The case, with its implications limiting inquiries between provincial governments and the federal government, drew the attention of the Speaker of the Legislative Assembly of Ontario who was granted intervener status. Legal arguments were heard on June 11 and 12, 2002, before the Honourable Justice Wayne D. Cheverie of the Prince Edward Island Supreme Court. In January 2003, a decision was handed down.

Justice Cheverie determined that committees of the Legislative Assembly are extensions of the Legislative Assembly itself and enjoy a constitutional power to compel the attendance of witnesses. This power exists notwithstanding the witnesses sought to be compelled to appear are employees of another level of government.

He stated, "It is my conclusion the Legislative Assembly of Prince Edward Island has the power to summon witnesses and order them to produce documents. This power is constitutional by virtue of the fact it is an exercise of inherent parliamentary privilege. The Committee of the House is an extension of the House and possesses the same constitutional power to summon witnesses and order them to produce documents. For reasons already given, I see no reason why the witnesses...should be excused or exempt from the summonses. Finally the *Judicial Review Act* does not apply to a decision of the Committee."

This legal precedent, although a by-product of the examination of the potato wart crisis, was an important outcome of the committee's work over a two-year period. It stands as a legacy for all Canadian jurisdictions, serving as a guide and authority concerning the parliamentary power to send for persons, papers and records.

To complete its work on the potato wart issue, the committee, once again, invited the two CFIA representatives to attend a meeting scheduled for April 24, 2003. In a surprising move, the officials did not appear, but instead sent legal counsel from New Brunswick who assured the committee the officials intended to be present at another, mutually convenient date.

The committee finally heard testimony from them on May 15, 2003, and was able to conclude its investigations. Its report is available at *www.assembly.pe.ca*

The Standing Committee on Public Accounts met to consider the rising cost of electricity rates in the province, inviting the Honourable Michael Currie, Minister of Development and Technology; and Mr. Jim Lea, President and Chief Executive Officer of Maritime Electric Co. Ltd. to appear before it on one occasion. The committee has tabled its interim report and sought, and was granted, permission to meet intersessionally to conclude its investigations. In addition to this investigation, the committee met to consider the 2003 *Report of the Auditor General to the Legislative Assembly*.

The Standing Committee on Social Development was directed by the Legislative Assembly in April 2002 to solicit public input on the topic of bullying. The committee sent letters to all school principals and advertised in newspapers across the province, inviting the public to share their issues and concerns. Response, including interest by the media, was strong and immediate. In total, the standing committee heard 61 presentations and received 28 written submissions. Committee members received numerous telephone calls, e-mails and personal contacts which served to reinforce the importance of this issue to the people of the province. There was a high degree of consistency in the recommendations put forward for the committee's consideration, the two most common of which were to increase the number of guidance counsellors in schools, and to hire a provincial coordinator to support and coordinate violence prevention programs. The committee tabled its report *Addressing Bullying: It Takes the Community* on May 8, 2003. It is available online at ***www.assembly.pe.ca***.

The Standing Committee on Social Development also met to consider the re-appointment of Mr. George S. Kells as chairperson of the Prince Edward Island Human Rights Commission, which was accompanied by considerable community interest and comment. The controversy stemmed from a commentary by Mr. Kells which appeared in *The Guardian* newspaper, where he expressed his views on the future direction of Canada's foreign policy. The committee met with Mr. Kells, as well as with the President of the Prince Edward Island Federation of Labour and the President of the local Council of Canadians – two of the most vocal critics of Mr. Kells' public comments – to determine a course of action. After considering the evidence, the committee recommended to the Legislative Assembly that Mr. Kells be re-appointed to the Human Rights Commission for a term to expire February 2006. It also suggested a code of conduct be established for the guidance of commissioners, and that a statutory change be considered to allow for the provision of a vice-chairperson to the Human Rights Commission.

The Standing Committee on Community Affairs and Economic Development continued its investigation into the challenges of attracting new workers to the trades sector. In December 2002, the committee was charged with the responsibility of holding public hearings on the topic, studying the issue and reporting their findings to the Legislative Assembly. The committee met with representatives of educational institutions; federal, provincial and municipal governments; sector councils; various trade unions; and students registered in apprenticeship programs in the province. The committee tabled its interim report in which it sought permission to conclude its examinations intersessionally.

Effect of Dissolution

The 61st Parliament of Prince Edward Island was dissolved on September 2, 2003. With the dissolution, all business of the House, including all work of the standing committees, was terminated.

Conference Activity

Charles MacKay, Clerk, and Marian Johnston, Clerk Assistant and Clerk of Committees, attended the annual Association of Clerks-at-the-Table in Canada Professional Development Seminar, held in Quebec City, August 11 to 16, 2003.

Marian Johnston, Clerk Assistant and Clerk of Committees, attended the 26th CPA Canadian Region Parliamentary Seminar in Iqaluit, Nunavut, October 16 to 19, 2003.

Attachment

Marian Johnston, Clerk Assistant and Clerk of Committees, participated in an attachment to the New Brunswick Legislature January 13 to 24, 2003. Attachments are an important part of ongoing professional development for clerks, and offer an opportunity to observe and participate at the table in other jurisdictions.

New Audio System

Installation of a new audio system for the Pope Room of the Coles Building was completed in late 2003. The system offers improved sound and recording quality, and enables sound reinforcement for the public, a feature that had been unavailable with the previous system.

Sergeant-at-Arms
and
Gentleman Usher of the Black Rod
Sergeant Curtis H. Adamson

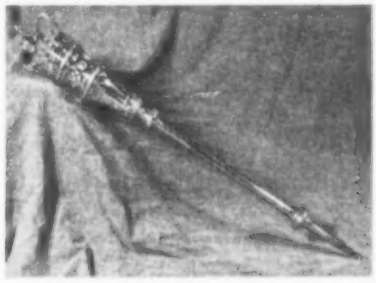
The Sergeant-at-Arms is part of the Office of the Legislative Assembly as defined in the *Legislative Assembly Act*, RSPEI 1988 Cap L-7. The position is steeped in parliamentary tradition. The office originated in the early years of the British Parliament, when mace-bearing members of the Royal bodyguard were assigned to attend the Speaker at sittings of the House of Commons. With the Sergeant-at-Arms and the Mace, the House may exercise its considerable rights and privileges and the various parliamentary functions assigned to it.

Today, the Sergeant-at-Arms on Prince Edward Island is responsible for bearing the Mace during the daily procession into the House, ensuring the safekeeping of the Mace, and carrying out such other duties as may be assigned by the Speaker or the Clerk.

On November 12, 2003, the Legislative Assembly unanimously appointed Sergeant Curtis H. Adamson of Charlottetown as Sergeant-at-Arms. Mr. Adamson replaced Mr. Ivan Kerry, FO, DFC who had served as Sergeant-at-Arms since January 3, 1997.

Mr. Adamson brings a wealth of experience to his post having served with the Security Services for the Legislative Assembly and the Canadian Corp of Commissionaires for a number of years prior to his appointment.

Prince Edward Island's Mace



On February 24, 1966, with the following words, appreciation was extended to the Canadian Area Council of the Commonwealth Parliamentary Association for the gift of a Mace to accompany the proceedings of the Legislative Assembly of Prince Edward Island.

> Moved by Hon. Walter R. Shaw, Premier; Seconded by Mr. Alexander. B. Campbell, Leader of Her Majesty's Loyal Opposition, as follows;
>
> > ***THAT this House accepts, with sincere thanks, the generous gift of a Mace from the Canadian Area Council of the Commonwealth Parliamentary Association, as graciously presented on their behalf by the Honourable Alan MacNaughton. This beautiful emblem will serve in this Legislature not only as a symbol of the Speaker's authority but also as a symbol of those bonds of goodwill which exist between the Provinces of Canada and the Countries of the Commonwealth. It will further serve as a constant reminder of those high ideals of Parliamentary Government which we cherish.***

The Mace was designed by Canadian manufacturer Henry Birks and Sons Ltd. It incorporates the seals of the 10 Canadian provinces and the Coat of Arms of Canada. Originally serving as a symbol of the authority of the Crown, it is now widely accepted as a symbol of the authority of parliament and the Speaker – with the Speaker's authority being inseparable from the House itself. In use, for example, the secret ballot election of Speaker cannot proceed unless the Mace is present. During these proceedings, the Mace lies in the lower stand in front of the Table, indicating that the House is without a voice until it has elected one from among its numbers to be Speaker. As soon as the House has elected a Speaker, the Mace is placed on the Table indicating that the House is now properly constituted and may now conduct business. During everyday business of the House, when the Speaker is in the Chair, the Mace is on the Table. When the Speaker is not in the Chair, the Mace is placed in the stand in front of the Table.

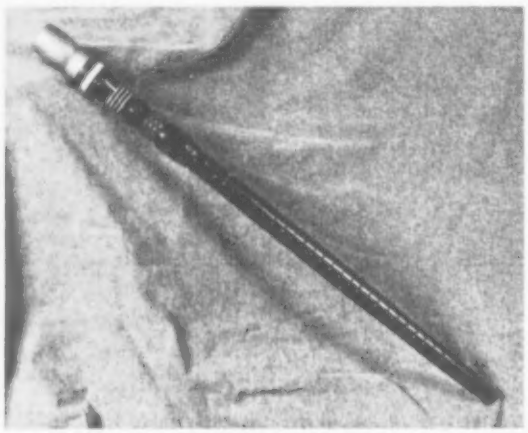
At the beginning of each sitting day the Sergeant-at-Arms, with the Mace resting on his right shoulder, leads the Speaker's Procession into the Chamber. It is then placed on the Table, with the Prince Edward Island Shield of Arms facing upward, and is present in the Chamber at all times when House business is being conducted.

Black Rod

In addition to serving as Sergeant-at-Arms, Mr. Adamson also serves in the historic capacity of Gentleman Usher of the Black Rod during ceremonial occasions. Responsibilities of this position are to serve as an escort to the Honourable Lieutenant Governor when entering the Legislative Chamber at the beginning of a Session for the reading of the Speech from the Throne and for the granting of Royal Assent, usually at the end of a session or before a lengthy adjournment.

In parliamentary proceedings, symbols such as the Black Rod are important as they serve to remind us of historic struggles of people against the arbitrary rule of monarchs. They also serve to signify the serious responsibilities of people in elected office. Early use of the Black Rod in 1348 suggest that it was used to deny admission of unauthorized persons to various festivals and events at Windsor Castle. Later, its symbolism and history reflect an occurrence in the British House of Commons in 1642 when King Charles I stormed the Chamber to arrest five members who opposed him, but the Speaker of the day refused to turn them over.

Current practice has the Sergeant knocking on the doors of the Chamber with the Black Rod seeking permission for the Lieutenant Governor to enter. This symbolic act was incorporated into the opening ceremony on Prince Edward Island in 2000 and serves to emphasize that the people, and their elected Assembly, are supreme and not the Crown.



Prince Edward Island has a relatively new, and unique, Black Rod. It is made of Island Red Oak, Prince Edward Island's official tree. It has a gold band at the top representing the Lieutenant Governor of the province; a silver band representing the Speaker; red, white and blue signifying the Clerk, Clerk Assistant and Sergeant-at-Arms; four white rings for the pages; and large and small dark green rings representing the province and the three counties respectively.

Two Island pennies have been mounted. These are the only Island coins ever minted for PEI and show on the face "Victoria Queen 1871" and on the reverse the Provincial Oak trees. Below this are the 27 grooves representing the 27 electoral districts in Island rust representing our uniquely coloured soil.

*Lloyd Kerry's Woodworking of Charlottetown crafted the redesigned Black Rod with the assistance of Ivan Kerry, Sergeant-at-Arms of the Prince Edward Island Legislative Assembly (1997 to 2003). Island historian Doug Morton presented as a gift the two 1871 coins mounted in the base of the Rod.

Security

Wayne Collicott
Security Officer

The position of Security Officer was created as part of a series of increased security measures established after a pipe bomb exploded underneath a wheelchair ramp in the north side of Province House in April of 1995.

The Security Officer is responsible for the implementation and day-to-day operations of security policies as established by the Standing Committee on Legislative Management. The objective is to provide a safe and secure environment for MLAs to conduct their parliamentary responsibilities in Province House and the Coles Building while balancing the right of the public to access and view the proceedings of the Legislative Assembly. At present, assisting the Security Officer in the delivery of security services are six members of the Canadian Corp of Commissionaires (one full-time and five part-time).

Additional responsibilities include monitoring and maintenance of electronic surveillance equipment, additional training of security personnel, liaison with Charlottetown City Police as directed, creation of guidelines for the handling of bomb threats, fire evacuation plans, contact for assistance with public demonstrations, etc.

As an example, certain specific security measures in place at Province House include:

- parking lot control including communication with security office and periodic vehicle checks;
- controlled carriage of parcels, packages, etc. into Province House;
- continuous 360 degree electronic surveillance, taping and monitoring of exterior and interior of Province House;
- sign-in procedure for visitors and guests;
- security badge clearance system for all employees, staff, media, etc.;
- designated restricted areas at Province House;
- security lighting;
- use of security wands when required; and
- development of emergency plans and the deployment of emergency equipment.

Hansard Office

Jeff Bursey
Manager of Hansard

Hansard was established in 1996 at the commencement of the 4th Session of the 59th General Assembly.

The Hansard Office comprises five sessional employees responsible for the transcription of the proceedings of the Legislature. The Preliminary Proceedings of Question Period is transcribed by the end of each sitting day. This means that Tuesday's Question Period appears in print, with Statements by Members, for Wednesday's sitting, *et cetera*. This task has been designated to one particular transcriber. Three transcribers produce the remainder of the day's sitting. The Legislature sits, on average, 16 hours per week. The Manager is also the editor.

The Hansard document is produced within two sitting days of the legislative proceedings, such that Tuesday's Hansard is distributed on Thursday, Wednesday's Hansard is distributed on Friday, Thursday's Hansard is distributed on Tuesday, and Friday's Hansard is distributed on Wednesday.

Hansard is also posted online at the Legislative Assembly's Web site. Previous sessions of the Assembly since the creation of Hansard are archived online and may be searched by keyword or phrase.

At the conclusion of a session, the printed Hansards are bound into volumes. Since its inception, resulting volumes are as follows:

1996:	4th Session of the 59th General Assembly; two volumes (1,238 pages)
1997-1998:	1st Session of the 60th General Assembly; 13 volumes (6,150 pages)
1998-1999:	2nd Session of the 60th General Assembly; three volumes (3,623 pages)
1999-2000:	3rd Session of the 60th General Assembly; two volumes (1,001 pages)
2000:	1st Session of the 61st General Assembly; two volumes (1,054 pages)
2000-2001:	2nd Session of the 61st General Assembly; two volumes (1,100 pages)

2001-2002: 3rd Session of the 61st General Assembly; two volumes (2,417 pages)

2002-2003: 4th Session of the 61st General Assembly; two volumes (2,788 pages)

The Hansard staff for 2002-2003 included:

Ms. Judy Burgoyne, Transcriber
Ms. Linda Henry, Transcriber
Ms. Helen Gunter, Transcriber
Ms. Debby Landry, Transcriber (commenced fall 2003)
Ms. Tena MacKenzie, Transcriber (to fall 2003)
Mr. Jeff Bursey, Manager (since April 2003)

In 2003, advertisements were placed in Island newspapers in an effort to create a list of transcriptionists who could be called upon to provide transcription services on short notice. This approach has worked well in an effort to ensure that transcriptionists with the appropriate skill set may be quickly identified minimizing impact on the Hansard production schedule.

Beginning in April 2003, certain measures have been taken to make transcription practices and the format of the printed document more closely match national Hansard standards. Question Period bears the words "Preliminary Proceedings," indicating that its final edited version may differ from that produced for the next parliamentary day. Matters dealing with grammar, punctuation, quotation, and format, were reviewed, and practices implemented in order to move the PEI Hansard closer to national standards. The physical document has been made easier to read with a larger font type, and with a more concise contents page. The index which accompanies the Hansard in the bound version has been completely reorganized. Apart from its incorporation in the bound Hansard, the Fall 2002-Spring 2003 index was published separately, for the first time, in the summer of 2003. A limited number of copies were produced and sent to government and opposition offices, to the Speaker and the Clerk, for use by members and other interested parties.

In the fall session of 2003 there was a switch in recording what went on in the Legislature. The cassette system was replaced by a digital system. The clarity of the new system is markedly better. Along with others, Hansard personnel were faced with numerous educational and technological challenges in learning the Court Smart system. Like all systems, it will undoubtedly have refinements made to it in the future.

February 5, 2004

Budget for the Legislative Assembly for Fiscal Years 2003/2004

Legislative Assembly

	Estimate 2003-2004	Forecast 2002-2003	Original Budget 2002-2003
Legislative Services	$ 1,433,100	$ 1,370,800	$ 1,361,400
Members	$ 1,605,500	$ 1,512,000	$ 1,537,900
Conflict of Interest Commissioner	$ 23,200	$ 20,200	$ 23,700
Office of the Information and Privacy Commissioner	$ 66,000	$ 29,600	$ 0
Elections	$ 189,700	$ 177,500	$ 178,800
Election Expenses	$ 0	$ 0	$ 0
TOTAL	$ 3,317,500	$ 3,110,100	$ 3,101,800

Indemnities and Allowances Commission

The independent Indemnities and Allowances Commission is appointed by the Speaker of the Legislative Assembly (pursuant to Section 46 of the *Legislative Assembly Act*, R.S.P.E.I. 1988, Cap. L-7) and is charged with the responsibility of making binding decisions on remuneration and allowances to be paid to Members of the Legislative Assembly, Premier, Speaker, Ministers of the Crown, various House positions and Executive Council Committee positions.

Members of the Commission are appointed for the duration of the General Assembly in which they are appointed or for not more than five years.

The Commission conducts an annual review of remuneration and allowances and submits, on or before December 1 each year, a report determining the remuneration and allowances to be paid to the persons referred to in Subsection 46(1) of the *Legislative Assembly Act*.

Members of the Commission at the conclusion of the 61st General Assembly were re-appointed by Hon. Greg Deighan, Speaker of the Legislative Assembly, for the 62nd General Assembly. Members of the Commission are as follows:

- Mr. Keith Boswell, Chair
- Mr. Albert Ferris, Commissioner
- Mr. Michael Schurman, Commissioner

The Commission's last report was tabled in the Legislative Assembly by the Speaker on December 2, 2002.

Prince Edward Island Branch of the Commonwealth Parliamentary Association

Aims, Goals and Activities of the Association

The CPA is an Association of Commonwealth Parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy.

The Association is a charity registered under the laws of the United Kingdom. Its stated purpose is to promote knowledge and understanding of the constitutional, legislative, economic, social and cultural systems within a parliamentary democratic framework. It undertakes this mission with particular reference to the countries of the Commonwealth of Nations and to countries having close historical and parliamentary associations with it.

CPA provides the sole means of regular consultation among members of Commonwealth Parliaments. It fosters cooperation and understanding among them and promotes the study of, and respect for, Parliament. Its role is endorsed by Commonwealth Parliaments and Heads of Government.

The CPA pursues these objectives by means of

- Annual Commonwealth Parliamentary Conferences, Regional Conferences and other symposiums;
- Interparliamentary visits;
- Parliamentary Seminars and Workshops;
- Publications, notably ***The Parliamentarian***, ***Canadian Parliamentary Review*** and two newsletters on CPA activities and on parliamentary and political events; and
- Parliamentary Information and Reference Centre communications.

History

The CPA was founded in 1911 as the Empire Parliamentary Association and its affairs were administered by the United Kingdom Branch. The original member branches were Australia, Canada, Newfoundland, New Zealand, South Africa and the United Kingdom. Evolving with the Commonwealth, the CPA in 1948 adopted its present name, changed its rules to enable all member branches to participate in the Associations management, and established a separate Secretariat to manage its affairs.

Association branches now exist in more than 165 national, state, provincial and territorial Parliaments, with a total membership of over 14,000 Parliamentarians.

Today's resurgence of parliamentary democracy is evident in the growth of the CPA. In the 1990s, nearly 30 new Parliaments and Legislatures joined or rejoined the CPA: Cameroon; Fiji; new devolved Assemblies in Canada, India and the United Kingdom; Maldives; Mozambique; Nigeria; Seychelles; South Africa and its provinces; Uganda, and Zanzibar in Tanzania. Pakistan and its provinces were members until the 1999 coup.

The CPA in 1989 created the constitutional posts of Patron and Vice-Patron. Her Majesty The Queen as the Head of the Commonwealth consented to become Patron. The Vice-Patron is normally the Head of State or Government of the Branch hosting the coming plenary conference. The 2004 Vice-Patron is the Governor General of Canada, the Right Honourable Adrienne Clarkson.

Activities

In 2003 the Prince Edward Island Branch participated in the activities of the Canadian Region of the CPA. The Annual Canadian Regional Conference was held in Victoria, British Columbia in July. In addition, there was also an annual CPA Canadian Regional Seminar hosted by Ottawa; the Atlantic Parliamentary Conference was cancelled due to a General Election in the host jurisdiction (Nova Scotia); and the Regional Council Meeting in Ottawa was cancelled due to the inability of many jurisdictions to attend because of sessional obligations.

In 2004, Canada will be hosting the Small Countries Conference and the International Commonwealth Parliamentary Conference. These conferences are hosted by a different Commonwealth jurisdiction annually. Canada last hosted this event in 1994.

President of the PEI Branch is the Honourable Greg Deighan, MLA, Speaker of the Legislative Assembly and Branch Secretary is Charles MacKay. Questions may be directed to the Office of the Clerk, Province House, PO Box 2000, Charlottetown, PE C1A 7N8 (tel) 902-368-5970, fax 902-368-5175 or e-mail *chmackay@gov.pe.ca*.

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